

Amendments to the Drawings

The attached sheet of drawings includes changes to Fig. 4.

Attachment: Replacement Sheets 1-5

Remarks/Arguments

Claims 21-34 are pending in this application, and are rejected in the Office Action dated May 17, 2010. No claim amendments are presented herein. However, a listing of the pending claims in the application accompanies this response for the Examiner's convenience.

Re: Drawings

The drawings are objected to under 37 CFR §1.83(a) for allegedly not showing every feature of the invention specified in the claims. In particular, the Examiner alleges that the steps of: "determining a next program in the electronic program guide to be reached by the highlighted element based on the monitoring step" and "displaying one of the stored advertisements representing an advertisement for the determined next program before the determined next program has been reached by the highlighted element" must be shown in the drawings or cancelled.

In response, Applicants submit a replacement sheet for FIG. 4 showing each of the aforementioned claimed steps. In particular, step 405, 406, and 407 are now labeled as "MONITOR CONSUMER NAVIGATION IN GUIDE," "FOR PROGRAM ABOUT TO BE HIGHLIGHTED, DOES CPS AD EXIST?" AND "DISPLAY7 CPS AD FOR PROGRAM BEFORE PROGRAM IS HIGHLIGHTED," respectively. In view of this replacement sheet, Applicants submit that the drawings comply with 37 CFR §1.83(a), and withdrawal of the objection is respectfully requested.

Applicants have also taken the opportunity to submit a copy of the formal drawings. No new matter has been added.

Re: Patentability of Claims 21-34

Claims 21-34 are rejected under 35 U.S.C. §103(a) as being unpatentable over the proposed combination of U.S. Patent Application No. 2003/0208756 by Macrae, et al. (hereinafter, "Macrae") and U.S. Patent No. 6,115,080 issued to Reitmeier. Applicants respectfully traverse this for at least the following reasons.

Applicants first note that independent claim 21 recites:

"A method for providing an advertisement dynamically along with an electronic program guide having information of programs in response to movement of a highlighted element in the electronic program guide, the highlighted element being movable within the electronic program guide in response to a user key entry made via a user control device of a video apparatus, the method comprising steps of:

receiving a plurality of advertisements, each one of the received advertisements being associated with at least one program in the electronic program guide and including a respective descriptor for identifying a program;

storing the received advertisements;

monitoring the movement of the highlighted element in the electronic program guide;

determining a next program in the electronic program guide to be reached by the highlighted element based on the monitoring step; and

displaying one of the stored advertisements representing an advertisement for the determined next program before the determined next program has been reached by the highlighted element." (emphasis added)

As indicated above, independent claim 21 defines a method for providing an advertisement dynamically along with an electronic program guide having information of programs in response to movement of a highlighted element in the electronic program guide, wherein the highlighted element is movable within the electronic program guide in response to a user key entry made via a user control device of a video apparatus. The method comprises steps of: receiving a plurality of advertisements, each one of the received advertisements being associated with at least one program in the electronic program guide and including a respective descriptor for identifying a program; storing the received advertisements; monitoring the movement of the highlighted element in the electronic program guide; determining a next program in the electronic program guide to be reached by the highlighted element based on the monitoring step; and displaying one of the stored advertisements representing an advertisement for the determined next program before the determined next program has been reached by the highlighted element. Independent claim 27 defines the foregoing subject matter in a similar manner, but is drafted in "video apparatus" format as opposed to "method" format.

Neither Macrae nor Reitmeier, whether taken individually or in combination, discloses each and every feature of independent claims 21 and 27. On page 4 of the Office Action dated May 17, 2010, the Examiner admits:

"However, Macrae is silent about determining a next program in the electronic program guide to be reached by the highlighted element based on the monitoring step and displaying one of the stored advertisements representing an advertisement for the determined next program before the determined next program has been reached by the highlighted element." (emphasis added)

In an attempt to remedy the foregoing admitted deficiencies of Macrae, the Examiner relies on Reitmeier, and specifically alleges:

"In an analogous art, Reitmeier discloses determining a next program in the electronic program guide to be reached by the highlighted element based on the monitoring step, thereby masking the channel selection latency period inherent in ATSC-like television system (Abstract, Col 17 lines 10-49)"

In response, Applicants respectfully submit that Reitmeier is unable to remedy each of the aforementioned admitted deficiencies of Macrae. In particular, Reitmeier discloses a channel selection methodology in an ATSC/NTSC television receiver (see, for example, the Abstract as cited by the Examiner). Although Reitmeier describes channel selection processes, including an electronic program guide selection process (see, for example, column 17, lines 10-49, as cited by the Examiner), there is absolutely no disclosure regarding an "advertisement" for a program, as claimed. Accordingly, Reitmeier clearly fails to disclose or suggest, *inter alia*, the step of "displaying one of the stored advertisements representing an advertisement for the determined next program before the determined next program has been reached by the highlighted element" (emphasis added) as recited by independent claims 21 and 27, and is therefore unable to remedy each of the admitted deficiencies of Macrae. As such, even if the teachings of Macrae and Reitmeier are combined, as proposed, the resulting combination still does not disclose or suggest each and every feature recited by independent claims 21 and 27.

Accordingly, given that neither Macrae nor Reitmeier, whether taken individually or in combination, discloses or suggests each and every feature of independent claims 21 and 27, Applicants submit that these independent claims and their respective dependent claims are non-obvious over the proposed combination of Macrae and Reitmeier, and withdrawal of the rejection is respectfully requested.

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding remarks/arguments, this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled. No fee is believed due from this response. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,

By: /Reitseng Lin/
Reitseng Lin
Reg. No. 42,804
Phone (609) 734-6813

Patent Operations
Thomson Licensing LLC
P.O. Box 5312
Princeton, New Jersey 08540
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